

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT**

DARRYL DUDLEY, #151365

Plaintiff(s),

CASE NO.: 05-CV-60142-AA

vs.

HON. JOHN CORBETT O'MEARA
MAG. JUDGE WALLACE CAPEL, JR.

JOHN DOE, a/k/a D. Richard,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION
FOR APPOINTMENT OF COUNSEL**

This matter is before the Court on Plaintiff's Motion For Appointment Of Counsel, filed on August 4, 2005. The Prisoner, an inmate at the Standish Correctional Facility brings this action under 42 U.S.C. § 1983, claiming a violations of his 8th Amendment and 14th Amendment Rights. The Plaintiff alleges deliberate indifference to his health and safety by failing to provide him with sanitary supplies for his prison cell, causing him to develop a infection from the use of his toilet; and for retaliation for filing a prison grievance concerning the lack of sanitary supplies.

In support of the request for counsel, the Plaintiff states that he is unable to afford counsel; that he is legally blind an dyslexic; that because he is in prison segregation, he is limited in the use of the law library; and that he has a limited knowledge of the law. Further, the Plaintiff requests that counsel should be appointed because of the complex nature of this matter.

Except in rare circumstances, it is the practice of this Court to consider the appointment

of counsel in prisoner civil rights cases only after a motion to dismiss or for summary judgment has been decided. While Plaintiff indicates that he does not feel adequately trained in legal issues to handle this case, it appears however, that from reading the Plaintiff's Complaint, and subsequent pleadings that he has filed, he does have an adequate understanding of the matters involved in this case, and is able to articulate his claims and arguments in a reasonable fashion.

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel is hereby **DENIED WITHOUT PREJUDICE** pending a review of the dispositive motions in this matter.

IT IS SO ORDERED.

The parties are hereby informed that any objection to this order must be filed with the district court within ten days after being served with a copy thereof, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: August 18, 2005

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on **August 18, 2005**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: not applicable, and I hereby certify that I have mailed by United States Postal service the paper to the following non-ECF participants: Darryl Dudley, #151365, Standish Maximum Correctional Facility, 4713 W. M-61, Standish, MI 48658

s/James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502